

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JEREMIAH MYERS, and
CLARISSA MYERS,

Plaintiffs,

v.

AJ CUNNINGHAM, CHARLIE WILDER,
Individually and as Police Chief for Tracy
City, Tennessee, and TRACY CITY,
TENNESSEE,

Defendants.

No. 4:18-cv-00039-TWP-SKL

JOINT MOTION TO CONTINUE AND
COMPLETE THE DEPOSITION OF TINA PRATER

Come now the parties to this cause of action and jointly move this Honorable Court to continue the deposition of Tina Prater and allow the parties to complete Ms. Prater's deposition on July 22, 2020. For cause, the parties state as follows:

Pursuant to this Court's Order [Doc. 118, PageID # 1039], the parties took Ms. Prater's deposition on June 30, 2020 and followed all the COVID-19 safety precautions ordered by this Court. The deposition began at 10:00 a.m. and following several short breaks and a lengthier lunch break, shortly after 5:00 p.m. Ms. Prater announced that she was tired and would like to finish her deposition at a later date. At this point, counsel for the Plaintiffs had completed his questioning of Ms. Prater, counsel for A.J. Cunningham and Charlie Wilder had started his examination of Ms. Prater, and counsel for Tracy City had not yet had the opportunity to examine Ms. Prater.

The parties consulted with Ms. Prater, the Court Reporter, the Videographer, and the venue for the deposition, and each agreed to hold July 22, 2020 for the purposes of completing the

deposition of Ms. Prater. Ms. Prater agreed that this date worked for her and she would be available on that date to complete her deposition. As with the prior deposition, and in keeping with this Court's Order [Doc. 118], the parties jointly propose the following guidelines for the completion of Ms. Prater's deposition:

1. The deposition will be completed on July 22, 2020 beginning at 10:00 a.m. at Bridgewater Place, located at 205 Bridgewater Road, Knoxville, Tennessee 37923.
2. The only persons present will be the witness, the court reporter, the videographer, Bryan Moseley for the Plaintiffs and W. Gerald Tidwell for the Defendants. The parties and other attorneys in the case will be able to view the deposition on Zoom from a different conference room at Bridgewater Place. Since Mr. Pilkington and Ms. Taylor represent Tracy City, they will conduct any questioning via zoom.
3. The persons present in-person will practice social distancing and wear masks.
4. All persons attending the deposition must be screened for COVID-19 symptoms prior to entering the conference room. Any person who screens positive for a fever greater than 100.4 degrees Fahrenheit or who presents with cough, shortness of breath, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea may not attend the deposition in person and must attend the deposition by video teleconference.
5. The parties must provide Ms. Prater with a mask, gloves, and alcohol-based hand sanitizer.
6. All persons attending the deposition in person must wear a face mask at all times, including while speaking.

7. Other than for the purpose of transferring documents between persons, all persons present at the deposition must remain at least six feet apart from one another.

Counsel respectfully requests that this Court continue Ms. Prater's deposition and allow the parties to complete Ms. Prater's deposition on July 22, 2020, subject to the precautionary measures set out in the Motion and in the Court's previous Order [Doc. 118].

RESPECTFULLY submitted this 14th day of July, 2020.

MOSELEY & MOSELEY

by: /s/James Bryan Moseley (w/permission)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

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The witness, Tina Prater, has been served with this document by U.S. Mail, postage prepaid, at the following address.

Tina Prater
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Dated this 14th day of July, 2020.

By: /s/ Emily C. Taylor
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